

REMARKS

Claims 1-44 are pending in the application.

Claims 1-44 stand rejected.

Formal Matters

The undersigned wishes to acknowledge the telephone interview conducted on July 27, 2004 and to thank the Examiner for his clarification of certain statements and for affording the undersigned an opportunity to distinguish applicant's invention over the cited prior art. While no agreement as to the patentability of the claims was made during the interview, the undersigned believes this paper is in harmony with the positions expressed during the interview.

Rejection of Claims under 35 U.S.C. §102

Claims 1-8, 10, 12, 18-20, 22-29-, 31, 33, 39-41, 43, and 44 stand rejected under 35 U.S.C. §102(e) as being anticipated by Sun et al., U.S. Patent No. 6,501,740 (hereinafter referred to as "Sun"). Applicants respectfully traverse this rejection.

As noted in the previous response, the cited portions of Sun fail to anticipate, teach, or suggest "presenting an option to specify a quorum associated with a meet-me conference call, in response to user input to an application program co-resident with a terminal," as recited in claim 1. The Examiner cites col. 3, lines 10-28, col. 9, lines 3-17, and col. 9, lines 1-10 of Sun as teaching these features of claim 1. The cited portions of the reference recite:

"Conferees 311 and 312 connect to a PSTN conference bridge 313 through the connection-oriented PSTN 314. In this embodiment, conferee 312 earlier preconfigured the bridge to accept and/or establish calls for a named teleconference for a predetermined list of participants, each of whom would be authenticated by submitting a prearranged password using DTMF signals upon a recorded audio prompt from the bridge 313. Bridge 313 is also preconfigured to host other teleconferences, so that callers to the bridge must identify the named conference to which they intend to join. In this embodiment, the teleconference name is a three digit DTMF sequence that identifies the conference and serves to distinguish it from other conferences hosted on the same bridge 313. Conferees 311 and 312

communicate to bridge 313, select the appropriate conference to join and authenticate themselves using DTMF signals in well known fashion.” Sun, col. 3, lines 10-28. “An embodiment of the method of adding a new connectionless conferee to a teleconference in accordance with the present invention is shown in FIG. 8. The call server determines if the conferee has been authenticated through his browser 811. If not, the call server attempts to authenticate the conferee 812. Once the conferee has been authenticated, he [sic] call server determines which teleconferences the conferee is authorized to join 813. A list of such authorized conferences is presented to the conferee through his browser 814. The call server waits for the conferee to join a conference by selecting the conference from the list 815. Once the conferee has selected a conference, the call server determines if the conference is in progress 816. If the conference has already terminated, the call server downloads a file comprising the recorded teleconference to the conferee’s computer 817... If the selected teleconference is in progress, the call server sends and receives the appropriate connectionless signals to and from the conferee 818.” Sun, col. 9, lines 1-20.

The cited portions of Sun are concerned with authenticating callers to a bridge and allowing the user to download a recording of a conference if the conference has already terminated. The cited portions of Sun teach that a conference call can have a predetermined list of participants, and that callers must identify the named teleconference that the callers intend to join. However, having a predetermined list of potential participants is clearly not the same as specifying a quorum. Forcing callers to identify one of several named teleconferences is also clearly different from presenting an option to specify a quorum associated with a conference call. Additionally, no portion of the reference teaches “presenting an option” to specify a quorum. For at least these reasons, claim 1 is patentable over the cited art. Claims 2-8, 10, 12, 18-20, 22-29-, 31, 33, 39-41, 43, and 44 are patentable over the cited art for similar reasons.

On page 10 of the Final Office Action, it is stated that “Sun discloses in col. 9, lines 1-22, that a conferee uses a terminal to connect to a selected conference. The conferee uses their browser application program to initially input a selection to connect to the meet-me conference. The browser will then prompt the user to select from several possible conferences (quorums) that are available to the conferee. The conferee then selects a specific quorum that they wish to join.” Applicant notes that the referenced portion of Sun teaches allowing a user to select one of several different conferences. No mention of quorums is made in the reference. Neither the reference nor the plain

meaning of the term quorum suggest equating a conference call and a quorum associated with a conference call. Accordingly, there is no basis for interpreting the reference's teachings regarding the selection of conferences as also applying to the specification of a quorum associated with a conference call. Thus, the reference clearly neither teaches nor suggests "presenting an option to specify a quorum associated with a meet-me conference call", as recited in claim 1.

Rejection of Claims under 35 U.S.C. §103

Claims 9, 11, 13-17, 30, 32, and 34-38 stand rejected under 35 U.S.C. §103(e) as being unpatentable over Sun in view of Eaton et al., U.S. Patent No. 5,483,588 (hereinafter referred to as "Eaton"). Applicants respectfully traverse this rejection, for at least the reasons given above with respect to claim 1.

Additionally, Applicant notes that neither Sun nor Eaton, either alone or in combination, teaches or suggests "presenting an option to specify a quorum associated with a meet-me conference call, in response to user input to an application program co-resident with a terminal." As discussed above with regard to claim 1, Sun fails to teach or suggest this feature.

Eaton also fails to teach or suggest this feature, both alone and in combination with Sun. At best, Eaton teaches that, when a caller is selecting options during scheduling of a conference call (as shown in FIG. 7 of Eaton), the "system provides for two types of conference call attendees: those who can speak and listen (referred to herein as a 'talker') and those who are authorized only to listen. The 'ID talkers' function allows the caller to specify particular attendees who may speak and be heard by all of the other attendees." Eaton, col. 11, lines 58-63. When a caller attempts to attend the conference call (shown in FIG. 9 of Eaton), the system determines whether the caller is a talker and whether the caller is the first caller. "If a caller who is a talker happens to be the first attendee, the system informs the caller... 'You are the first party to join the conference call. We will connect you with the next party as soon as they join.'... If it is determined... that the caller is not a talker, then... the caller is placed on hold... If it is determined that the caller is not the first attendee to the conference call, then a subsequent determination is made as to whether the caller or one of the prior attendees is a talker... If

a talker has yet to call in to the conference call, [the caller is placed on hold]. Otherwise, the caller joins the conference call as an attendee and the conference call begins.” Eaton, col. 13, lines 23-47.

Thus, Eaton describes a system in which callers to a conference call are placed on hold until a talker and one other caller have called into the conference call. Even assuming for the sake of argument that this teaches a system in which a conference call does not begin until a quorum, made up of at least one talker and one other (talker or non-talker) caller, is present, Eaton still fails to teach or suggest “presenting an option to specify a quorum” associated with a conference call, as recited in claim 1. Eaton does allow the caller scheduling the conference call to identify which conference call participants can be talkers. However, this merely allows the caller to specify members of the class of callers (i.e., talkers) that can make up a portion of the quorum. The quorum itself—at least two callers, one of which is a talker—is fixed in Eaton. Accordingly, a caller cannot specify a quorum in the system taught by Eaton. Furthermore, Eaton, both alone and in combination with Sun, does not teach or suggest presenting an option to specify a quorum. Accordingly, the cited art fails to teach or suggest claim 1.

Furthermore, there is no suggestion to combine the references. “To support the conclusion that the claimed combination is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed combination or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references... [S]implicity and hindsight are not the proper criteria for resolving the issue of obviousness.” *Ex Parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Int’f 1985). The stated motivation for modifying Sun according to the teachings of Eaton is: “so that only designated talkers can determine who is allowed to enter and talk in the conference and so that the designated talkers can be aware of all users who are waiting.” Final Office Action, p. 6-7. However, as noted in the previous response, the cited portions of Eaton do not teach that the talkers are either aware of which users are waiting or able to determine who is allowed to enter and talk in the conference. Instead, it appears that the talkers are simply handled automatically, based on their status as talkers, in such a way that talkers are able to be heard by other talkers and non-talkers attending the conference.

Accordingly, the motivation cited by the Examiner for combining the references is not found in the references. Furthermore, combining Eaton with Sun does not provide a system that provides the ability to allow only designated talkers to determine who is allowed to enter and talk in the conference and to allow designated talkers to be aware of all users who are waiting. It is also noted that neither being aware of all users who are waiting to attend a conference nor being able to determine who is allowed to enter and talk in a conference teaches or suggests presenting an option to specify a quorum.

In the response to arguments section of the Final Office Action, the Examiner states that the motivation for combining the references is “that one would want to have designated talkers so that the conference call can be prevented from starting unless a designated talker is present.” Final Office Action, p. 12. However, Eaton does not teach or suggest that such a feature would be useful in a system such as that taught in Sun, nor does Sun teach or suggest that such a feature would be desirable. “To imbue one of ordinary skill in the art with knowledge of the invention... when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.” *W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983).

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5087.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 2, 2004.

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